

# YetterColeman LLP

May 3, 2024

*Via ECF*

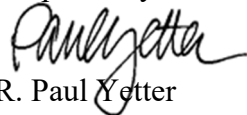
Hon. Alfred H. Bennett  
United States District Judge  
United States Courthouse  
515 Rusk, 11th Floor, Room 8624  
Houston, Texas 77208

Re: *Electrical Medical Trust et al v. U.S. Anesthesia Partners, Inc. et al.*,  
No. 23-cv-04398 (S.D. Tex.)

Judge Bennett:

On behalf of Defendants in the above-captioned action, and in response to the Court's request at the April 5, 2024 hearing, we write with an update on the parallel proceedings before Judge Hoyt, *FTC v. U.S. Anesthesia Partners, Inc. et al.*, No. 23-cv-03560 (S.D. Tex.). Judge Hoyt heard oral argument on Defendants' motions to dismiss on April 8, 2024 and took all motions under advisement. The motions are still pending. On May 1, 2024, Judge Hoyt entered the attached Order Setting Scheduling.

Respectfully submitted,



R. Paul Yetter  
Counsel for the Welsh Carson defendants

cc (w/encl.): Lisa Edwards, Case Manager (via email)  
All counsel of record

**ENTERED**

May 01, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

FEDERAL TRADE COMMISSION,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. 4:23-CV-03560
	§	
U.S. ANESTHESIA PARTNERS, INC., <i>et</i>	§	
<i>al.</i> ,	§	
	§	
Defendants.	§	

**ORDER SETTING SCHEDULING**

Appearances:

FTC:

Kara Monahan, Tim Kamal-Grayson, Neal Perlman, Michael Arin

USAP:

Ken Fetterman, Kyle Wood, Kevin Miller, David Beck

The Welsh Carson Entities:

Katy Caldwell, Elena Davis, Matt Zorn, Paul Yetter

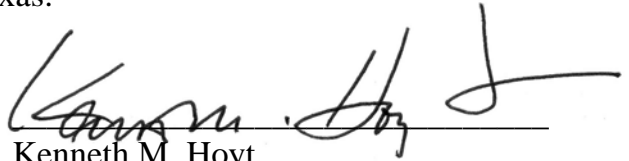
In lieu of a phone conference and a courtroom appearance to prepare a Scheduling Order, the Court determines that it is more economical to adopt and modify the parties' proposed plan [DE 132]. Hence, the Court adopts and modifies as follows:

- a) Initial disclosures are due on or before May 13, 2024;
- b) Discovery otherwise begins on or after May 13, 2024;

- c) The parties agree on the handling of electronically stored information, privileged information and a privilege log, if necessary;
- d) The parties agree to limitations as it relates to interrogatories, admissions, productions;
- e) The designations of experts rest on the parties who anticipate calling them. Experts must be designated and reports provided on or before January 31, 2025; rebuttal experts are to be designated and reports provided on or before February 28, 2025; no reply expert designations are permitted;
- f) All discovery, whether expert or fact witnesses closes April 30, 2025;
- g) Expedited responses are required on all pretrial motions;
- h) Discovery may be extended by agreement of the parties without Court intervention so long as the dispositive motion deadline and docket call dates are not to be changed without leave of Court;
- i) Dispositive motion must be filed on or before April 30, 2025; responses are due by May 30, replies within ten (10) days of responses. No sur-replies are permitted; and
- j) Docket call is set September 8, 2025, at 11:30 a.m. to be finalized by separate order.

It is so Ordered.

SIGNED on May 1, 2024, at Houston, Texas.

  
Kenneth M. Hoyt  
United States District Judge